



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3075

Introduced 2/19/2016, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Changes the penalty for motor vehicle theft and conversion from a Class 2 to a Class 3 felony. Amends the Criminal Code of 2012. Changes the penalty for burglary to a watercraft, aircraft, motor vehicle, railroad car, or any part thereof from a Class 2 to a Class 3 felony. Amends the Cannabis Control Act. Changes the offense of delivery of cannabis on school grounds. Provides that the enhanced penalties for this offense apply to delivery within 500 feet (rather than 1,000 feet) of the real property comprising a school and at the time of the violation: (1) persons under the age of 18 are present, (2) the offense is committed during school hours, or (3) the offense is committed at a time when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after school activities are occurring. Amends the Illinois Controlled Substances Act, Eliminates the greater than 6 year minimum enhanced Class X felony violations for the knowing manufacture or delivery, or possession with intent to manufacture or deliver, a controlled substance, other than methamphetamine, a counterfeit substance, or a controlled substance analog. Makes changes to the statute concerning delivering controlled substances in schools and parks. Amends the Unified Code of Corrections. Permits Class X offenders of the Cannabis Control Act and Illinois Controlled Substances Act to be eligible to participate in the impact incarceration program.

LRB099 19689 RLC 44086 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 4-103 as follows:

6 (625 ILCS 5/4-103) (from Ch. 95 1/2, par. 4-103)

7 Sec. 4-103. Offenses relating to motor vehicles and other
8 vehicles - Felonies.

9 (a) Except as provided in subsection (a-1), it is a
10 violation of this Chapter for:

11 (1) A person not entitled to the possession of a
12 vehicle or essential part of a vehicle to receive, possess,
13 conceal, sell, dispose, or transfer it, knowing it to have
14 been stolen or converted; additionally the General
15 Assembly finds that the acquisition and disposition of
16 vehicles and their essential parts are strictly controlled
17 by law and that such acquisitions and dispositions are
18 reflected by documents of title, uniform invoices, rental
19 contracts, leasing agreements and bills of sale. It may be
20 inferred, therefore that a person exercising exclusive
21 unexplained possession over a stolen or converted vehicle
22 or an essential part of a stolen or converted vehicle has
23 knowledge that such vehicle or essential part is stolen or

1 converted, regardless of whether the date on which such
2 vehicle or essential part was stolen is recent or remote;

3 (2) A person to knowingly remove, alter, deface,
4 destroy, falsify, or forge a manufacturer's identification
5 number of a vehicle or an engine number of a motor vehicle
6 or any essential part thereof having an identification
7 number;

8 (3) A person to knowingly conceal or misrepresent the
9 identity of a vehicle or any essential part thereof;

10 (4) A person to buy, receive, possess, sell or dispose
11 of a vehicle, or any essential part thereof, with knowledge
12 that the identification number of the vehicle or any
13 essential part thereof having an identification number has
14 been removed or falsified;

15 (5) A person to knowingly possess, buy, sell, exchange,
16 give away, or offer to buy, sell, exchange or give away,
17 any manufacturer's identification number plate, mylar
18 sticker, federal certificate label, State police
19 reassignment plate, Secretary of State assigned plate,
20 rosette rivet, or facsimile of such which has not yet been
21 attached to or has been removed from the original or
22 assigned vehicle. It is an affirmative defense to
23 subsection (a) of this Section that the person possessing,
24 buying, selling or exchanging a plate mylar sticker or
25 label described in this paragraph is a police officer doing
26 so as part of his official duties, or is a manufacturer's

1 authorized representative who is replacing any
2 manufacturer's identification number plate, mylar sticker
3 or Federal certificate label originally placed on the
4 vehicle by the manufacturer of the vehicle or any essential
5 part thereof;

6 (6) A person to knowingly make a false report of the
7 theft or conversion of a vehicle to any police officer of
8 this State or any employee of a law enforcement agency of
9 this State designated by the law enforcement agency to
10 take, receive, process, or record reports of vehicle theft
11 or conversion.

12 (a-1) A person engaged in the repair or servicing of
13 vehicles does not violate this Chapter by knowingly possessing
14 a manufacturer's identification number plate for the purpose of
15 reaffixing it on the same damaged vehicle from which it was
16 originally taken, if the person reaffixes or intends to reaffix
17 the original manufacturer's identification number plate in
18 place of the identification number plate affixed on a new
19 dashboard that has been or will be installed in the vehicle.
20 The person must notify the Secretary of State each time the
21 original manufacturer's identification number plate is
22 reaffixed on a vehicle. The person must keep a record
23 indicating that the identification number plate affixed on the
24 new dashboard has been removed and has been replaced by the
25 manufacturer's identification number plate originally affixed
26 on the vehicle. The person also must keep a record regarding

1 the status and location of the identification number plate
2 removed from the replacement dashboard. The Secretary shall
3 adopt rules for implementing this subsection (a-1).

4 (a-2) The owner of a vehicle repaired under subsection
5 (a-1) must, within 90 days of the date of the repairs, contact
6 an officer of the Illinois State Police Vehicle Inspection
7 Bureau and arrange for an inspection of the vehicle, by the
8 officer or the officer's designee, at a mutually agreed upon
9 date and location.

10 (b) Sentence. A person convicted of a violation of this
11 Section shall be guilty of a Class 3 ~~Class 2~~ felony.

12 (c) The offenses set forth in subsection (a) of this
13 Section shall not include the offense set forth in Section
14 4-103.2 of this Code.

15 (Source: P.A. 93-456, eff. 8-8-03.)

16 Section 10. The Criminal Code of 2012 is amended by
17 changing Section 19-1 as follows:

18 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

19 Sec. 19-1. Burglary.

20 (a) A person commits burglary when without authority he or
21 she knowingly enters or without authority remains within a
22 building, housetrailer, watercraft, aircraft, motor vehicle,
23 railroad car, or any part thereof, with intent to commit
24 therein a felony or theft. This offense shall not include the

1 offenses set out in Section 4-102 of the Illinois Vehicle Code.

2 (b) Sentence.

3 Burglary committed in a watercraft, aircraft, motor
4 vehicle, railroad car, or any part thereof is a Class 3 felony.
5 Burglary committed in a building, housetrailer, or any part
6 thereof is a Class 2 felony. A burglary committed in a school,
7 day care center, day care home, group day care home, or part
8 day child care facility, or place of worship is a Class 1
9 felony, except that this provision does not apply to a day care
10 center, day care home, group day care home, or part day child
11 care facility operated in a private residence used as a
12 dwelling.

13 (c) Regarding penalties prescribed in subsection (b) for
14 violations committed in a day care center, day care home, group
15 day care home, or part day child care facility, the time of
16 day, time of year, and whether children under 18 years of age
17 were present in the day care center, day care home, group day
18 care home, or part day child care facility are irrelevant.

19 (Source: P.A. 96-556, eff. 1-1-10; 97-1108, eff. 1-1-13.)

20 Section 15. The Cannabis Control Act is amended by changing
21 Section 5.2 as follows:

22 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

23 Sec. 5.2. Delivery of cannabis on school grounds.

24 (a) Any person who violates subsection (e) of Section 5 in

1 any school, on the real property comprising any school, or any
2 conveyance owned, leased or contracted by a school to transport
3 students to or from school or a school related activity, or on
4 any public way within 500 ~~1,000~~ feet of the real property
5 comprising any school, or any conveyance owned, leased or
6 contracted by a school to transport students to or from school
7 or a school related activity, and at the time of the violation:
8 (1) persons under the age of 18 are present; (2) the offense is
9 committed during school hours; or (3) the offense is committed
10 at a time when persons under the age of 18 are reasonably
11 expected to be present in the school, in the conveyance, or on
12 the real property, such as when after school activities are
13 occurring is guilty of a Class 1 felony, the fine for which
14 shall not exceed \$200,000;

15 (b) Any person who violates subsection (d) of Section 5 in
16 any school, on the real property comprising any school, or any
17 conveyance owned, leased or contracted by a school to transport
18 students to or from school or a school related activity, or on
19 any public way within 500 ~~1,000~~ feet of the real property
20 comprising any school, or any conveyance owned, leased or
21 contracted by a school to transport students to or from school
22 or a school related activity, and at the time of the violation:
23 (1) persons under the age of 18 are present; (2) the offense is
24 committed during school hours; or (3) the offense is committed
25 at a time when persons under the age of 18 are reasonably
26 expected to be present in the school, in the conveyance, or on

1 the real property, such as when after school activities are
2 occurring is guilty of a Class 2 felony, the fine for which
3 shall not exceed \$100,000;

4 (c) Any person who violates subsection (c) of Section 5 in
5 any school, on the real property comprising any school, or any
6 conveyance owned, leased or contracted by a school to transport
7 students to or from school or a school related activity, or on
8 any public way within 500 ~~1,000~~ feet of the real property
9 comprising any school, or any conveyance owned, leased or
10 contracted by a school to transport students to or from school
11 or a school related activity, and at the time of the violation:

12 (1) persons under the age of 18 are present; (2) the offense is
13 committed during school hours; or (3) the offense is committed
14 at a time when persons under the age of 18 are reasonably
15 expected to be present in the school, in the conveyance, or on
16 the real property, such as when after school activities are
17 occurring is guilty of a Class 3 felony, the fine for which
18 shall not exceed \$50,000;

19 (d) Any person who violates subsection (b) of Section 5 in
20 any school, on the real property comprising any school, or any
21 conveyance owned, leased or contracted by a school to transport
22 students to or from school or a school related activity, or on
23 any public way within 500 ~~1,000~~ feet of the real property
24 comprising any school, or any conveyance owned, leased or
25 contracted by a school to transport students to or from school
26 or a school related activity, and at the time of the violation:

1 (1) persons under the age of 18 are present; (2) the offense is
2 committed during school hours; or (3) the offense is committed
3 at a time when persons under the age of 18 are reasonably
4 expected to be present in the school, in the conveyance, or on
5 the real property, such as when after school activities are
6 occurring is guilty of a Class 4 felony, the fine for which
7 shall not exceed \$25,000;

8 (e) Any person who violates subsection (a) of Section 5 in
9 any school, on the real property comprising any school, or any
10 conveyance owned, leased or contracted by a school to transport
11 students to or from school or a school related activity, on any
12 public way within 500 ~~1,000~~ feet of the real property
13 comprising any school, or any conveyance owned, leased or
14 contracted by a school to transport students to or from school
15 or a school related activity, and at the time of the violation:
16 (1) persons under the age of 18 are present; (2) the offense is
17 committed during school hours; or (3) the offense is committed
18 at a time when persons under the age of 18 are reasonably
19 expected to be present in the school, in the conveyance, or on
20 the real property, such as when after school activities are
21 occurring is guilty of a Class A misdemeanor.

22 (Source: P.A. 87-544.)

23 Section 20. The Illinois Controlled Substances Act is
24 amended by changing Sections 401, 402, and 407 as follows:

1 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

2 Sec. 401. Except as authorized by this Act, it is unlawful
3 for any person knowingly to manufacture or deliver, or possess
4 with intent to manufacture or deliver, a controlled substance
5 other than methamphetamine, a counterfeit substance, or a
6 controlled substance analog. A violation of this Act with
7 respect to each of the controlled substances listed herein
8 constitutes a single and separate violation of this Act. For
9 purposes of this Section, "controlled substance analog" or
10 "analog" means a substance, other than a controlled substance,
11 that has a chemical structure substantially similar to that of
12 a controlled substance in Schedule I or II, or that was
13 specifically designed to produce an effect substantially
14 similar to that of a controlled substance in Schedule I or II.
15 Examples of chemical classes in which controlled substance
16 analogs are found include, but are not limited to, the
17 following: phenethylamines, N-substituted piperidines,
18 morphinans, ecgonines, quinazolinones, substituted indoles,
19 and arylcycloalkylamines. For purposes of this Act, a
20 controlled substance analog shall be treated in the same manner
21 as the controlled substance to which it is substantially
22 similar.

23 (a) Any person who violates this Section with respect to
24 the following amounts of controlled or counterfeit substances
25 or controlled substance analogs, notwithstanding any of the
26 provisions of subsections (c), (d), (e), (f), (g) or (h) to the

1 contrary, is guilty of a Class X felony and shall be sentenced
2 to a term of imprisonment as provided in this subsection (a)
3 and fined as provided in subsection (b):

4 (1) (A) not less than 6 years and not more than 30
5 years with respect to 15 grams or more but less than
6 400 ~~100~~ grams of a substance containing heroin, or an
7 analog thereof;

8 (B) not less than 6 ~~9~~ years and not more than 40
9 years with respect to 400 ~~100~~ grams or more but less
10 than 900 ~~400~~ grams of a substance containing heroin, or
11 an analog thereof;

12 (C) not less than 6 ~~12~~ years and not more than 50
13 years with respect to 900 ~~400~~ grams or more ~~but less~~
14 ~~than 900 grams~~ of a substance containing heroin, or an
15 analog thereof;

16 (D) (blank); ~~not less than 15 years and not more~~
17 ~~than 60 years with respect to 900 grams or more of any~~
18 ~~substance containing heroin, or an analog thereof;~~

19 (1.5) (A) not less than 6 years and not more than 30
20 years with respect to 15 grams or more but less than
21 400 ~~100~~ grams of a substance containing fentanyl, or an
22 analog thereof;

23 (B) not less than 6 ~~9~~ years and not more than 40
24 years with respect to 400 ~~100~~ grams or more but less
25 than 900 ~~400~~ grams of a substance containing fentanyl,
26 or an analog thereof;

1 (C) not less than 6 ~~12~~ years and not more than 50
2 years with respect to 900 ~~400~~ grams or more ~~but less~~
3 ~~than 900 grams~~ of a substance containing fentanyl, or
4 an analog thereof;

5 (D) (blank); ~~not less than 15 years and not more~~
6 ~~than 60 years with respect to 900 grams or more of a~~
7 ~~substance containing fentanyl, or an analog thereof;~~

8 (2) (A) not less than 6 years and not more than 30
9 years with respect to 15 grams or more but less than
10 400 ~~100~~ grams of a substance containing cocaine, or an
11 analog thereof;

12 (B) not less than 6 ~~9~~ years and not more than 40
13 years with respect to 400 ~~100~~ grams or more but less
14 than 900 ~~400~~ grams of a substance containing cocaine,
15 or an analog thereof;

16 (C) not less than 6 ~~12~~ years and not more than 50
17 years with respect to 900 ~~400~~ grams or more ~~but less~~
18 ~~than 900 grams~~ of a substance containing cocaine, or an
19 analog thereof;

20 (D) (blank); ~~not less than 15 years and not more~~
21 ~~than 60 years with respect to 900 grams or more of any~~
22 ~~substance containing cocaine, or an analog thereof;~~

23 (3) (A) not less than 6 years and not more than 30
24 years with respect to 15 grams or more but less than
25 400 ~~100~~ grams of a substance containing morphine, or an
26 analog thereof;

1 (B) not less than 6 ~~9~~ years and not more than 40
2 years with respect to 400 ~~100~~ grams or more but less
3 than 900 ~~400~~ grams of a substance containing morphine,
4 or an analog thereof;

5 (C) not less than 6 ~~12~~ years and not more than 50
6 years with respect to 900 ~~400~~ grams or more ~~but less~~
7 ~~than 900 grams~~ of a substance containing morphine, or
8 an analog thereof;

9 (D) (blank); ~~not less than 15 years and not more~~
10 ~~than 60 years with respect to 900 grams or more of a~~
11 ~~substance containing morphine, or an analog thereof;~~

12 (4) 200 grams or more of any substance containing
13 peyote, or an analog thereof;

14 (5) 200 grams or more of any substance containing a
15 derivative of barbituric acid or any of the salts of a
16 derivative of barbituric acid, or an analog thereof;

17 (6) 200 grams or more of any substance containing
18 amphetamine or any salt of an optical isomer of
19 amphetamine, or an analog thereof;

20 (6.5) (blank);

21 (6.6) (blank);

22 (7) (A) not less than 6 years and not more than 30
23 years with respect to: (i) 15 grams or more but less
24 than 400 ~~100~~ grams of a substance containing lysergic
25 acid diethylamide (LSD), or an analog thereof, or (ii)
26 15 or more objects or 15 or more segregated parts of an

1 object or objects but less than 800 ~~200~~ objects or 800
2 ~~200~~ segregated parts of an object or objects containing
3 in them or having upon them any amounts of any
4 substance containing lysergic acid diethylamide (LSD),
5 or an analog thereof;

6 (B) not less than 6 ~~9~~ years and not more than 40
7 years with respect to: (i) 400 ~~100~~ grams or more but
8 less than 900 ~~400~~ grams of a substance containing
9 lysergic acid diethylamide (LSD), or an analog
10 thereof, or (ii) 800 ~~200~~ or more objects or 800 ~~200~~ or
11 more segregated parts of an object or objects but less
12 than 2400 ~~600~~ objects or less than 2400 ~~600~~ segregated
13 parts of an object or objects containing in them or
14 having upon them any amount of any substance containing
15 lysergic acid diethylamide (LSD), or an analog
16 thereof;

17 (C) not less than 6 ~~12~~ years and not more than 50
18 years with respect to: (i) 900 ~~400~~ grams or more ~~but~~
19 ~~less than 900 grams~~ of a substance containing lysergic
20 acid diethylamide (LSD), or an analog thereof, or (ii)
21 2400 ~~600~~ or more objects or 2400 ~~600~~ or more segregated
22 parts of an object or objects ~~but less than 1500~~
23 ~~objects or 1500 segregated parts of an object or~~
24 ~~objects~~ containing in them or having upon them any
25 amount of any substance containing lysergic acid
26 diethylamide (LSD), or an analog thereof;

1 (D) (blank); ~~not less than 15 years and not more than~~
2 ~~60 years with respect to: (i) 900 grams or more of any~~
3 ~~substance containing lysergic acid diethylamide (LSD), or~~
4 ~~an analog thereof, or (ii) 1500 or more objects or 1500 or~~
5 ~~more segregated parts of an object or objects containing in~~
6 ~~them or having upon them any amount of a substance~~
7 ~~containing lysergic acid diethylamide (LSD), or an analog~~
8 ~~thereof;~~

9 (7.5) (A) not less than 6 years and not more than 30
10 years with respect to: (i) 15 grams or more but less
11 than 400 ~~100~~ grams of a substance listed in paragraph
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
13 (20.1), (21), (25), or (26) of subsection (d) of
14 Section 204, or an analog or derivative thereof, or
15 (ii) 15 or more pills, tablets, caplets, capsules, or
16 objects but less than 800 ~~200~~ pills, tablets, caplets,
17 capsules, or objects containing in them or having upon
18 them any amounts of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
20 (20.1), (21), (25), or (26) of subsection (d) of
21 Section 204, or an analog or derivative thereof;

22 (B) not less than 6 ~~9~~ years and not more than 40
23 years with respect to: (i) 400 ~~100~~ grams or more but
24 less than 900 ~~400~~ grams of a substance listed in
25 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
26 (20), (20.1), (21), (25), or (26) of subsection (d) of

1 Section 204, or an analog or derivative thereof, or
2 (ii) 800 ~~200~~ or more pills, tablets, caplets, capsules,
3 or objects but less than 2400 ~~600~~ pills, tablets,
4 caplets, capsules, or objects containing in them or
5 having upon them any amount of any substance listed in
6 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
7 (20), (20.1), (21), (25), or (26) of subsection (d) of
8 Section 204, or an analog or derivative thereof;

9 (C) not less than 6 ~~12~~ years and not more than 50
10 years with respect to: (i) 900 ~~400~~ grams or more ~~but~~
11 ~~less than 900 grams~~ of a substance listed in paragraph
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
13 (20.1), (21), (25), or (26) of subsection (d) of
14 Section 204, or an analog or derivative thereof, or
15 (ii) 2400 ~~600~~ or more pills, tablets, caplets,
16 capsules, or objects ~~but less than 1,500 pills,~~
17 ~~tablets, caplets, capsules, or objects~~ containing in
18 them or having upon them any amount of any substance
19 listed in paragraph (1), (2), (2.1), (2.2), (3),
20 (14.1), (19), (20), (20.1), (21), (25), or (26) of
21 subsection (d) of Section 204, or an analog or
22 derivative thereof;

23 (D) (blank); ~~not less than 15 years and not more~~
24 ~~than 60 years with respect to: (i) 900 grams or more of~~
25 ~~any substance listed in paragraph (1), (2), (2.1),~~
26 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~

1 ~~(26) of subsection (d) of Section 204, or an analog or~~
2 ~~derivative thereof, or (ii) 1,500 or more pills,~~
3 ~~tablets, caplets, capsules, or objects containing in~~
4 ~~them or having upon them any amount of a substance~~
5 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
6 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
7 ~~subsection (d) of Section 204, or an analog or~~
8 ~~derivative thereof;~~

9 (8) 30 grams or more of any substance containing
10 pentazocine or any of the salts, isomers and salts of
11 isomers of pentazocine, or an analog thereof;

12 (9) 30 grams or more of any substance containing
13 methaqualone or any of the salts, isomers and salts of
14 isomers of methaqualone, or an analog thereof;

15 (10) 30 grams or more of any substance containing
16 phencyclidine or any of the salts, isomers and salts of
17 isomers of phencyclidine (PCP), or an analog thereof;

18 (10.5) 30 grams or more of any substance containing
19 ketamine or any of the salts, isomers and salts of isomers
20 of ketamine, or an analog thereof;

21 (10.6) 100 grams or more of any substance containing
22 hydrocodone, or any of the salts, isomers and salts of
23 isomers of hydrocodone, or an analog thereof;

24 (10.7) 100 grams or more of any substance containing
25 dihydrocodeinone, or any of the salts, isomers and salts of
26 isomers of dihydrocodeinone, or an analog thereof;

1 (10.8) 100 grams or more of any substance containing
2 dihydrocodeine, or any of the salts, isomers and salts of
3 isomers of dihydrocodeine, or an analog thereof;

4 (10.9) 100 grams or more of any substance containing
5 oxycodone, or any of the salts, isomers and salts of
6 isomers of oxycodone, or an analog thereof;

7 (11) 200 grams or more of any substance containing any
8 other controlled substance classified in Schedules I or II,
9 or an analog thereof, which is not otherwise included in
10 this subsection.

11 (b) Any person sentenced with respect to violations of
12 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
13 involving 100 grams or more of the controlled substance named
14 therein, may in addition to the penalties provided therein, be
15 fined an amount not more than \$500,000 or the full street value
16 of the controlled or counterfeit substance or controlled
17 substance analog, whichever is greater. The term "street value"
18 shall have the meaning ascribed in Section 110-5 of the Code of
19 Criminal Procedure of 1963. Any person sentenced with respect
20 to any other provision of subsection (a), may in addition to
21 the penalties provided therein, be fined an amount not to
22 exceed \$500,000.

23 (b-1) Excluding violations of this Act when the controlled
24 substance is fentanyl, any person sentenced to a term of
25 imprisonment with respect to violations of Section 401, 401.1,
26 405, 405.1, 405.2, or 407, when the substance containing the

1 controlled substance contains any amount of fentanyl, 3 years
2 shall be added to the term of imprisonment imposed by the
3 court, and the maximum sentence for the offense shall be
4 increased by 3 years.

5 (c) Any person who violates this Section with regard to the
6 following amounts of controlled or counterfeit substances or
7 controlled substance analogs, notwithstanding any of the
8 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
9 to the contrary, is guilty of a Class 1 felony. The fine for
10 violation of this subsection (c) shall not be more than
11 \$250,000:

12 (1) 1 gram or more but less than 15 grams of any
13 substance containing heroin, or an analog thereof;

14 (1.5) 1 gram or more but less than 15 grams of any
15 substance containing fentanyl, or an analog thereof;

16 (2) 1 gram or more but less than 15 grams of any
17 substance containing cocaine, or an analog thereof;

18 (3) 10 grams or more but less than 15 grams of any
19 substance containing morphine, or an analog thereof;

20 (4) 50 grams or more but less than 200 grams of any
21 substance containing peyote, or an analog thereof;

22 (5) 50 grams or more but less than 200 grams of any
23 substance containing a derivative of barbituric acid or any
24 of the salts of a derivative of barbituric acid, or an
25 analog thereof;

26 (6) 50 grams or more but less than 200 grams of any

1 substance containing amphetamine or any salt of an optical
2 isomer of amphetamine, or an analog thereof;

3 (6.5) (blank);

4 (7) (i) 5 grams or more but less than 15 grams of any
5 substance containing lysergic acid diethylamide (LSD), or
6 an analog thereof, or (ii) more than 10 objects or more
7 than 10 segregated parts of an object or objects but less
8 than 15 objects or less than 15 segregated parts of an
9 object containing in them or having upon them any amount of
10 any substance containing lysergic acid diethylamide (LSD),
11 or an analog thereof;

12 (7.5) (i) 5 grams or more but less than 15 grams of any
13 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
14 (14.1), (19), (20), (20.1), (21), (25), or (26) of
15 subsection (d) of Section 204, or an analog or derivative
16 thereof, or (ii) more than 10 pills, tablets, caplets,
17 capsules, or objects but less than 15 pills, tablets,
18 caplets, capsules, or objects containing in them or having
19 upon them any amount of any substance listed in paragraph
20 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
21 (21), (25), or (26) of subsection (d) of Section 204, or an
22 analog or derivative thereof;

23 (8) 10 grams or more but less than 30 grams of any
24 substance containing pentazocine or any of the salts,
25 isomers and salts of isomers of pentazocine, or an analog
26 thereof;

1 (9) 10 grams or more but less than 30 grams of any
2 substance containing methaqualone or any of the salts,
3 isomers and salts of isomers of methaqualone, or an analog
4 thereof;

5 (10) 10 grams or more but less than 30 grams of any
6 substance containing phencyclidine or any of the salts,
7 isomers and salts of isomers of phencyclidine (PCP), or an
8 analog thereof;

9 (10.5) 10 grams or more but less than 30 grams of any
10 substance containing ketamine or any of the salts, isomers
11 and salts of isomers of ketamine, or an analog thereof;

12 (10.6) 50 grams or more but less than 100 grams of any
13 substance containing hydrocodone, or any of the salts,
14 isomers and salts of isomers of hydrocodone, or an analog
15 thereof;

16 (10.7) 50 grams or more but less than 100 grams of any
17 substance containing dihydrocodeinone, or any of the
18 salts, isomers and salts of isomers of dihydrocodeinone, or
19 an analog thereof;

20 (10.8) 50 grams or more but less than 100 grams of any
21 substance containing dihydrocodeine, or any of the salts,
22 isomers and salts of isomers of dihydrocodeine, or an
23 analog thereof;

24 (10.9) 50 grams or more but less than 100 grams of any
25 substance containing oxycodone, or any of the salts,
26 isomers and salts of isomers of oxycodone, or an analog

1 thereof;

2 (11) 50 grams or more but less than 200 grams of any
3 substance containing a substance classified in Schedules I
4 or II, or an analog thereof, which is not otherwise
5 included in this subsection.

6 (c-5) (Blank).

7 (d) Any person who violates this Section with regard to any
8 other amount of a controlled or counterfeit substance
9 containing dihydrocodeinone or dihydrocodeine or classified in
10 Schedules I or II, or an analog thereof, which is (i) a
11 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
12 analog thereof, (iii) any substance containing amphetamine or
13 fentanyl or any salt or optical isomer of amphetamine or
14 fentanyl, or an analog thereof, or (iv) any substance
15 containing N-Benzylpiperazine (BZP) or any salt or optical
16 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
17 guilty of a Class 2 felony. The fine for violation of this
18 subsection (d) shall not be more than \$200,000.

19 (d-5) (Blank).

20 (e) Any person who violates this Section with regard to any
21 other amount of a controlled substance other than
22 methamphetamine or counterfeit substance classified in
23 Schedule I or II, or an analog thereof, which substance is not
24 included under subsection (d) of this Section, is guilty of a
25 Class 3 felony. The fine for violation of this subsection (e)
26 shall not be more than \$150,000.

1 (f) Any person who violates this Section with regard to any
2 other amount of a controlled or counterfeit substance
3 classified in Schedule III is guilty of a Class 3 felony. The
4 fine for violation of this subsection (f) shall not be more
5 than \$125,000.

6 (g) Any person who violates this Section with regard to any
7 other amount of a controlled or counterfeit substance
8 classified in Schedule IV is guilty of a Class 3 felony. The
9 fine for violation of this subsection (g) shall not be more
10 than \$100,000.

11 (h) Any person who violates this Section with regard to any
12 other amount of a controlled or counterfeit substance
13 classified in Schedule V is guilty of a Class 3 felony. The
14 fine for violation of this subsection (h) shall not be more
15 than \$75,000.

16 (i) This Section does not apply to the manufacture,
17 possession or distribution of a substance in conformance with
18 the provisions of an approved new drug application or an
19 exemption for investigational use within the meaning of Section
20 505 of the Federal Food, Drug and Cosmetic Act.

21 (j) (Blank).

22 (Source: P.A. 99-371, eff. 1-1-16.)

23 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

24 Sec. 402. Except as otherwise authorized by this Act, it is
25 unlawful for any person knowingly to possess a controlled or

1 counterfeit substance or controlled substance analog. A
2 violation of this Act with respect to each of the controlled
3 substances listed herein constitutes a single and separate
4 violation of this Act. For purposes of this Section,
5 "controlled substance analog" or "analog" means a substance,
6 other than a controlled substance, that has a chemical
7 structure substantially similar to that of a controlled
8 substance in Schedule I or II, or that was specifically
9 designed to produce an effect substantially similar to that of
10 a controlled substance in Schedule I or II. Examples of
11 chemical classes in which controlled substance analogs are
12 found include, but are not limited to, the following:
13 phenethylamines, N-substituted piperidines, morphinans,
14 ecgonines, quinazolinones, substituted indoles, and
15 arylcycloalkylamines. For purposes of this Act, a controlled
16 substance analog shall be treated in the same manner as the
17 controlled substance to which it is substantially similar.

18 (a) Any person who violates this Section with respect to
19 the following controlled or counterfeit substances and
20 amounts, notwithstanding any of the provisions of subsections
21 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~
22 ~~shall,~~ if sentenced to a term of imprisonment, shall be
23 sentenced as provided in this subsection (a) and fined as
24 provided in subsection (b):

25 (1) (A) a person in possession of ~~not less than 4 years~~
26 ~~and not more than 15 years with respect to~~ 15 grams or

1 more but less than 50 ~~100~~ grams of a substance
2 containing heroin is guilty of a Class 3 felony;

3 (B) a person in possession of 50 ~~not less than 6~~
4 ~~years and not more than 30 years with respect to 100~~
5 grams or more but less than 100 ~~400~~ grams of a
6 substance containing heroin is guilty of a Class 2
7 felony;

8 (C) a person in possession of more than 100 ~~not~~
9 ~~less than 8 years and not more than 40 years with~~
10 ~~respect to 400 grams or more but less than 900 grams of~~
11 any substance containing heroin is guilty of a Class 1
12 felony;

13 (D) (blank); ~~not less than 10 years and not more~~
14 ~~than 50 years with respect to 900 grams or more of any~~
15 ~~substance containing heroin;~~

16 (2) (A) a person in possession of ~~not less than 4 years~~
17 ~~and not more than 15 years with respect to 15 grams or~~
18 more but less than 50 ~~100~~ grams of any substance
19 containing cocaine is guilty of a Class 3 felony;

20 (B) a person in possession of 50 ~~not less than 6~~
21 ~~years and not more than 30 years with respect to 100~~
22 grams or more but less than 100 ~~400~~ grams of any
23 substance containing cocaine is guilty of a Class 2
24 felony;

25 (C) a person in possession of more than 100 ~~not~~
26 ~~less than 8 years and not more than 40 years with~~

1 ~~respect to 400 grams or more but less than 900 grams of~~
2 any substance containing cocaine is guilty of a Class 1
3 felony;

4 (D) (blank); ~~not less than 10 years and not more~~
5 ~~than 50 years with respect to 900 grams or more of any~~
6 ~~substance containing cocaine;~~

7 (3) (A) a person in possession of ~~not less than 4 years~~
8 ~~and not more than 15 years with respect to~~ 15 grams or
9 more but less than 50 ~~100~~ grams of any substance
10 containing morphine is guilty of a Class 3 felony;

11 (B) a person in possession of 50 ~~not less than 6~~
12 ~~years and not more than 30 years with respect to 100~~
13 grams or more but less than 100 ~~400~~ grams of any
14 substance containing morphine is guilty of a Class 2
15 felony;

16 (C) a person in possession of more than 100 ~~not~~
17 ~~less than 6 years and not more than 40 years with~~
18 ~~respect to 400 grams or more but less than 900 grams of~~
19 any substance containing morphine is guilty of a Class
20 1 felony;

21 (D) (blank); ~~not less than 10 years and not more~~
22 ~~than 50 years with respect to 900 grams or more of any~~
23 ~~substance containing morphine;~~

24 (4) a person in possession of 200 grams or more of any
25 substance containing peyote is guilty of a Class 1 felony;

26 (5) a person in possession of 200 grams or more of any

1 substance containing a derivative of barbituric acid or any
2 of the salts of a derivative of barbituric acid is guilty
3 of a Class 1 felony;

4 (6) a person in possession of 200 grams or more of any
5 substance containing amphetamine or any salt of an optical
6 isomer of amphetamine is guilty of a Class 1 felony;

7 (6.5) (blank);

8 (7) (A) a person is guilty of a Class 3 felony if he or
9 she in possession of: ~~not less than 4 years and not~~
10 ~~more than 15 years with respect to:~~ (i) 15 grams or
11 more but less than 50 ~~100~~ grams of any substance
12 containing lysergic acid diethylamide (LSD), or an
13 analog thereof, or (ii) 15 or more objects or 15 or
14 more segregated parts of an object or objects but less
15 than 100 ~~200~~ objects or 100 ~~200~~ segregated parts of an
16 object or objects containing in them or having upon
17 them any amount of any substance containing lysergic
18 acid diethylamide (LSD), or an analog thereof;

19 (B) a person is guilty of a Class 2 felony if he or
20 she is in possession of: ~~not less than 6 years and not~~
21 ~~more than 30 years with respect to:~~ (i) 50 ~~100~~ grams or
22 more but less than 100 ~~400~~ grams of any substance
23 containing lysergic acid diethylamide (LSD), or an
24 analog thereof, or (ii) 100 ~~200~~ or more objects or 100
25 ~~200~~ or more segregated parts of an object or objects
26 but less than 300 ~~600~~ objects or less than 300 ~~600~~

1 segregated parts of an object or objects containing in
2 them or having upon them any amount of any substance
3 containing lysergic acid diethylamide (LSD), or an
4 analog thereof;

5 (C) a person is guilty of a Class 1 felony if he or
6 she is in possession of: ~~not less than 8 years and not~~
7 ~~more than 40 years with respect to:~~ (i) 100 ~~400~~ grams
8 or more ~~but less than 900 grams~~ of any substance
9 containing lysergic acid diethylamide (LSD), or an
10 analog thereof, or (ii) 300 ~~600~~ or more objects or 300
11 ~~600~~ or more segregated parts of an object or objects
12 ~~but less than 1500 objects or 1500 segregated parts of~~
13 ~~an object or objects~~ containing in them or having upon
14 them any amount of any substance containing lysergic
15 acid diethylamide (LSD), or an analog thereof;

16 (D) (blank); ~~not less than 10 years and not more~~
17 ~~than 50 years with respect to:~~ (i) ~~900 grams or more of~~
18 ~~any substance containing lysergic acid diethylamide~~
19 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
20 ~~objects or 1500 or more segregated parts of an object~~
21 ~~or objects containing in them or having upon them any~~
22 ~~amount of a substance containing lysergic acid~~
23 ~~diethylamide (LSD), or an analog thereof;~~

24 (7.5) (A) a person is guilty of a Class 3 felony if he
25 or she is in possession of: ~~not less than 4 years and~~
26 ~~not more than 15 years with respect to:~~ (i) 15 grams or

1 more but less than 50 ~~100~~ grams of any substance listed
2 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
3 (20), (20.1), (21), (25), or (26) of subsection (d) of
4 Section 204, or an analog or derivative thereof, or
5 (ii) 15 or more pills, tablets, caplets, capsules, or
6 objects but less than 100 ~~200~~ pills, tablets, caplets,
7 capsules, or objects containing in them or having upon
8 them any amount of any substance listed in paragraph
9 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
10 (20.1), (21), (25), or (26) of subsection (d) of
11 Section 204, or an analog or derivative thereof;

12 (B) a person is guilty of a Class 2 felony if he or
13 she is in possession of: not less than 6 years and not
14 more than 30 years with respect to: (i) 50 ~~100~~ grams or
15 more but less than 100 ~~400~~ grams of any substance
16 listed in paragraph (1), (2), (2.1), (2.2), (3),
17 (14.1), (19), (20), (20.1), (21), (25), or (26) of
18 subsection (d) of Section 204, or an analog or
19 derivative thereof, or (ii) 100 ~~200~~ or more pills,
20 tablets, caplets, capsules, or objects but less than
21 300 ~~600~~ pills, tablets, caplets, capsules, or objects
22 containing in them or having upon them any amount of
23 any substance listed in paragraph (1), (2), (2.1),
24 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
25 (26) of subsection (d) of Section 204, or an analog or
26 derivative thereof;

1 (C) a person is guilty of a Class 1 felony if he or
2 she is in possession of: ~~not less than 8 years and not~~
3 ~~more than 40 years with respect to:~~ (i) 100 ~~400~~ grams
4 or more ~~but less than 900 grams~~ of any substance listed
5 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
6 (20), (20.1), (21), (25), or (26) of subsection (d) of
7 Section 204, or an analog or derivative thereof, or
8 (ii) 300 ~~600~~ or more pills, tablets, caplets, capsules,
9 or objects but less than 1,500 pills, tablets, caplets,
10 capsules, or objects containing in them or having upon
11 them any amount of any substance listed in paragraph
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
13 (20.1), (21), (25), or (26) of subsection (d) of
14 Section 204, or an analog or derivative thereof;

15 (D) (blank); ~~not less than 10 years and not more~~
16 ~~than 50 years with respect to:~~ (i) ~~900 grams or more of~~
17 ~~any substance listed in paragraph (1), (2), (2.1),~~
18 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
19 ~~(26) of subsection (d) of Section 204, or an analog or~~
20 ~~derivative thereof, or (ii) 1,500 or more pills,~~
21 ~~tablets, caplets, capsules, or objects containing in~~
22 ~~them or having upon them any amount of a substance~~
23 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
24 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
25 ~~subsection (d) of Section 204, or an analog or~~
26 ~~derivative thereof;~~

1 (8) a person in possession of 30 grams or more of any
2 substance containing pentazocine or any of the salts,
3 isomers and salts of isomers of pentazocine, or an analog
4 thereof is guilty of a Class 1 felony;

5 (9) a person in possession of 30 grams or more of any
6 substance containing methaqualone or any of the salts,
7 isomers and salts of isomers of methaqualone is guilty of a
8 Class 1 felony;

9 (10) a person in possession of 30 grams or more of any
10 substance containing phencyclidine or any of the salts,
11 isomers and salts of isomers of phencyclidine (PCP) is
12 guilty of a Class 1 felony;

13 (10.5) a person in possession of 30 grams or more of
14 any substance containing ketamine or any of the salts,
15 isomers and salts of isomers of ketamine is guilty of a
16 Class 1 felony;

17 (11) a person in possession of 200 grams or more of any
18 substance containing any substance classified as a
19 narcotic drug in Schedules I or II, or an analog thereof,
20 which is not otherwise included in this subsection is
21 guilty of a Class 1 felony.

22 (b) Any person sentenced with respect to violations of
23 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
24 involving 100 grams or more of the controlled substance named
25 therein, may in addition to the penalties provided therein, be
26 fined an amount not to exceed \$200,000 or the full street value

1 of the controlled or counterfeit substances, whichever is
2 greater. The term "street value" shall have the meaning
3 ascribed in Section 110-5 of the Code of Criminal Procedure of
4 1963. Any person sentenced with respect to any other provision
5 of subsection (a), may in addition to the penalties provided
6 therein, be fined an amount not to exceed \$200,000.

7 (c) Any person who violates this Section with regard to an
8 amount of a controlled substance other than methamphetamine or
9 counterfeit substance not set forth in subsection (a) or (d) is
10 guilty of a Class 4 felony. The fine for a violation punishable
11 under this subsection (c) shall not be more than \$25,000.

12 (d) Any person who violates this Section with regard to any
13 amount of anabolic steroid is guilty of a Class C misdemeanor
14 for the first offense and a Class B misdemeanor for a
15 subsequent offense committed within 2 years of a prior
16 conviction.

17 (Source: P.A. 99-371, eff. 1-1-16.)

18 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

19 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
20 violates any subsection of Section 401 or subsection (b) of
21 Section 404 by delivering a controlled, counterfeit or
22 look-alike substance to a person under 18 years of age may be
23 sentenced to imprisonment for a term up to twice the maximum
24 term and fined an amount up to twice that amount otherwise
25 authorized by the pertinent subsection of Section 401 and

1 Subsection (b) of Section 404.

2 (B) (Blank).

3 (2) Except as provided in paragraph (3) of this subsection,
4 any person who violates:

5 (A) subsection (c) of Section 401 by delivering or
6 possessing with intent to deliver a controlled,
7 counterfeit, or look-alike substance in or on, or within
8 1,000 feet of, a truck stop or safety rest area, is guilty
9 of a Class 1 felony, the fine for which shall not exceed
10 \$250,000;

11 (B) subsection (d) of Section 401 by delivering or
12 possessing with intent to deliver a controlled,
13 counterfeit, or look-alike substance in or on, or within
14 1,000 feet of, a truck stop or safety rest area, is guilty
15 of a Class 2 felony, the fine for which shall not exceed
16 \$200,000;

17 (C) subsection (e) of Section 401 or subsection (b) of
18 Section 404 by delivering or possessing with intent to
19 deliver a controlled, counterfeit, or look-alike substance
20 in or on, or within 1,000 feet of, a truck stop or safety
21 rest area, is guilty of a Class 3 felony, the fine for
22 which shall not exceed \$150,000;

23 (D) subsection (f) of Section 401 by delivering or
24 possessing with intent to deliver a controlled,
25 counterfeit, or look-alike substance in or on, or within
26 1,000 feet of, a truck stop or safety rest area, is guilty

1 of a Class 3 felony, the fine for which shall not exceed
2 \$125,000;

3 (E) subsection (g) of Section 401 by delivering or
4 possessing with intent to deliver a controlled,
5 counterfeit, or look-alike substance in or on, or within
6 1,000 feet of, a truck stop or safety rest area, is guilty
7 of a Class 3 felony, the fine for which shall not exceed
8 \$100,000;

9 (F) subsection (h) of Section 401 by delivering or
10 possessing with intent to deliver a controlled,
11 counterfeit, or look-alike substance in or on, or within
12 1,000 feet of, a truck stop or safety rest area, is guilty
13 of a Class 3 felony, the fine for which shall not exceed
14 \$75,000;

15 (3) Any person who violates paragraph (2) of this
16 subsection (a) by delivering or possessing with intent to
17 deliver a controlled, counterfeit, or look-alike substance in
18 or on, or within 1,000 feet of a truck stop or a safety rest
19 area, following a prior conviction or convictions of paragraph
20 (2) of this subsection (a) may be sentenced to a term of
21 imprisonment up to 2 times the maximum term and fined an amount
22 up to 2 times the amount otherwise authorized by Section 401.

23 (4) For the purposes of this subsection (a):

24 (A) "Safety rest area" means a roadside facility
25 removed from the roadway with parking and facilities
26 designed for motorists' rest, comfort, and information

1 needs; and

2 (B) "Truck stop" means any facility (and its parking
3 areas) used to provide fuel or service, or both, to any
4 commercial motor vehicle as defined in Section 18b-101 of
5 the Illinois Vehicle Code.

6 (b) Any person who violates:

7 (1) subsection (c) of Section 401:

8 (A) in any school, or any conveyance owned, leased
9 or contracted by a school to transport students to or
10 from school or a school related activity, ~~or~~
11 ~~residential property owned, operated or managed by a~~
12 ~~public housing agency or leased by a public housing~~
13 ~~agency as part of a scattered site or mixed income~~
14 ~~development,~~ or public park; ~~τ~~

15 (B) on the real property comprising any school ~~or~~
16 ~~residential property owned, operated or managed by a~~
17 ~~public housing agency or leased by a public housing~~
18 ~~agency as part of a scattered site or mixed income~~
19 ~~development,~~ or public park;

20 (C) or within 500 ~~1,000~~ feet of the real property
21 comprising any school, and at the time of the
22 violation: (i) persons under the age of 18 are present,
23 (ii) the offense is committed during school hours, or
24 (iii) the offense is committed at a time when persons
25 under the age of 18 are reasonably expected to be
26 present in the school, in the conveyance, or on the

1 real property, such as when after school activities are
2 occurring; or ~~residential property owned, operated or~~
3 ~~managed by a public housing agency or leased by a~~
4 ~~public housing agency as part of a scattered site or~~
5 ~~mixed income development, or~~

6 (D) within 500 feet of a public park, on the real
7 ~~property comprising any church, synagogue, or other~~
8 ~~building, structure, or place used primarily for~~
9 ~~religious worship, or within 1,000 feet of the real~~
10 ~~property comprising any church, synagogue, or other~~
11 ~~building, structure, or place used primarily for~~
12 ~~religious worship, on the real property comprising any~~
13 ~~of the following places, buildings, or structures used~~
14 ~~primarily for housing or providing space for~~
15 ~~activities for senior citizens: nursing homes,~~
16 ~~assisted living centers, senior citizen housing~~
17 ~~complexes, or senior centers oriented toward daytime~~
18 ~~activities, or within 1,000 feet of the real property~~
19 ~~comprising any of the following places, buildings, or~~
20 ~~structures used primarily for housing or providing~~
21 ~~space for activities for senior citizens: nursing~~
22 ~~homes, assisted living centers, senior citizen housing~~
23 ~~complexes, or senior centers oriented toward daytime~~
24 ~~activities~~ is guilty of a Class X felony, the fine for
25 which shall not exceed \$500,000;

26 (2) subsection (d) of Section 401:

1 (A) in any school, or any conveyance owned, leased
2 or contracted by a school to transport students to or
3 from school or a school related activity, ~~or~~
4 ~~residential property owned, operated or managed by a~~
5 ~~public housing agency or leased by a public housing~~
6 ~~agency as part of a scattered site or mixed income~~
7 ~~development,~~ or public park; 7

8 (B) on the real property comprising any school ~~or~~
9 ~~residential property owned, operated or managed by a~~
10 ~~public housing agency or leased by a public housing~~
11 ~~agency as part of a scattered site or mixed income~~
12 ~~development,~~ or public park; ~~or~~

13 (C) within 500 ~~1,000~~ feet of the real property
14 comprising any school, and at the time of the
15 violation: (i) persons under the age of 18 are present,
16 (ii) the offense is committed during school hours, or
17 (iii) the offense is committed at a time when persons
18 under the age of 18 are reasonably expected to be
19 present in the school, in the conveyance, or on the
20 real property, such as when after school activities are
21 occurring; or ~~residential property owned, operated or~~
22 ~~managed by a public housing agency or leased by a~~
23 ~~public housing agency as part of a scattered site or~~
24 ~~mixed income development,~~ ~~or~~

25 (D) within 500 feet of a public park, ~~on the real~~
26 ~~property comprising any church, synagogue, or other~~

1 ~~building, structure, or place used primarily for~~
2 ~~religious worship, or within 1,000 feet of the real~~
3 ~~property comprising any church, synagogue, or other~~
4 ~~building, structure, or place used primarily for~~
5 ~~religious worship, on the real property comprising any~~
6 ~~of the following places, buildings, or structures used~~
7 ~~primarily for housing or providing space for~~
8 ~~activities for senior citizens: nursing homes,~~
9 ~~assisted living centers, senior citizen housing~~
10 ~~complexes, or senior centers oriented toward daytime~~
11 ~~activities, or within 1,000 feet of the real property~~
12 ~~comprising any of the following places, buildings, or~~
13 ~~structures used primarily for housing or providing~~
14 ~~space for activities for senior citizens: nursing~~
15 ~~homes, assisted living centers, senior citizen housing~~
16 ~~complexes, or senior centers oriented toward daytime~~
17 ~~activities~~ is guilty of a Class 1 felony, the fine for
18 which shall not exceed \$250,000;

19 (3) subsection (e) of Section 401 or Subsection (b) of
20 Section 404:

21 (A) in any school, or any conveyance owned, leased
22 or contracted by a school to transport students to or
23 from school or a school related activity, ~~or~~
24 ~~residential property owned, operated or managed by a~~
25 ~~public housing agency or leased by a public housing~~
26 ~~agency as part of a scattered site or mixed income~~

1 ~~development, or public park; τ~~

2 (B) on the real property comprising any school ~~or~~
3 ~~residential property owned, operated or managed by a~~
4 ~~public housing agency or leased by a public housing~~
5 ~~agency as part of a scattered site or mixed income~~
6 ~~development, or public park; or~~

7 (C) within 500 ~~1,000~~ feet of the real property
8 comprising any school, and at the time of the
9 violation: (i) persons under the age of 18 are present,
10 (ii) the offense is committed during school hours, or
11 (iii) the offense is committed at a time when persons
12 under the age of 18 are reasonably expected to be
13 present in the school, in the conveyance, or on the
14 real property, such as when after school activities are
15 occurring; or residential property owned, operated or
16 managed by a public housing agency or leased by a
17 public housing agency as part of a scattered site or
18 mixed income development, or

19 (D) within 500 feet of a public park, ~~on the real~~
20 ~~property comprising any church, synagogue, or other~~
21 ~~building, structure, or place used primarily for~~
22 ~~religious worship, or within 1,000 feet of the real~~
23 ~~property comprising any church, synagogue, or other~~
24 ~~building, structure, or place used primarily for~~
25 ~~religious worship, on the real property comprising any~~
26 ~~of the following places, buildings, or structures used~~

1 ~~primarily for housing or providing space for~~
2 ~~activities for senior citizens: nursing homes,~~
3 ~~assisted living centers, senior citizen housing~~
4 ~~complexes, or senior centers oriented toward daytime~~
5 ~~activities, or within 1,000 feet of the real property~~
6 ~~comprising any of the following places, buildings, or~~
7 ~~structures used primarily for housing or providing~~
8 ~~space for activities for senior citizens: nursing~~
9 ~~homes, assisted living centers, senior citizen housing~~
10 ~~complexes, or senior centers oriented toward daytime~~
11 ~~activities~~ is guilty of a Class 2 felony, the fine for
12 which shall not exceed \$200,000;

13 (4) subsection (f) of Section 401:

14 (A) in any school, or

15 any conveyance owned, leased or contracted by a
16 school to transport students to or from school or a
17 school related activity, ~~or residential property~~
18 ~~owned, operated or managed by a public housing agency~~
19 ~~or leased by a public housing agency as part of a~~
20 ~~scattered site or mixed income development,~~ or public
21 park;7

22 (B) on the real property comprising any school ~~or~~
23 ~~residential property owned, operated or managed by a~~
24 ~~public housing agency or leased by a public housing~~
25 ~~agency as part of a scattered site or mixed income~~
26 ~~development,~~ or public park; ~~or~~

1 (C) within 500 ~~1,000~~ feet of the real property
2 comprising any school, and at the time of the
3 violation: (i) persons under the age of 18 are present,
4 (ii) the offense is committed during school hours, or
5 (iii) the offense is committed at a time when persons
6 under the age of 18 are reasonably expected to be
7 present in the school, in the conveyance, or on the
8 real property, such as when after school activities are
9 occurring; or residential property owned, operated or
10 managed by a public housing agency or leased by a
11 public housing agency as part of a scattered site or
12 mixed-income development, or

13 (D) within 500 feet of a public park, ~~on the real~~
14 property comprising any church, synagogue, or other
15 building, structure, or place used primarily for
16 religious worship, or within 1,000 feet of the real
17 property comprising any church, synagogue, or other
18 building, structure, or place used primarily for
19 religious worship, on the real property comprising any
20 of the following places, buildings, or structures used
21 primarily for housing or providing space for
22 activities for senior citizens: nursing homes,
23 assisted living centers, senior citizen housing
24 complexes, or senior centers oriented toward daytime
25 activities, or within 1,000 feet of the real property
26 comprising any of the following places, buildings, or

1 ~~structures used primarily for housing or providing~~
2 ~~space for activities for senior citizens: nursing~~
3 ~~homes, assisted living centers, senior citizen housing~~
4 ~~complexes, or senior centers oriented toward daytime~~
5 ~~activities~~ is guilty of a Class 2 felony, the fine for
6 which shall not exceed \$150,000;

7 (5) subsection (g) of Section 401:

8 (A) in any school, or any conveyance owned, leased
9 or contracted by a school to transport students to or
10 from school or a school related activity, ~~or~~
11 ~~residential property owned, operated or managed by a~~
12 ~~public housing agency or leased by a public housing~~
13 ~~agency as part of a scattered site or mixed income~~
14 ~~development, or public park; τ~~

15 (B) on the real property comprising any school ~~or~~
16 ~~residential property owned, operated or managed by a~~
17 ~~public housing agency or leased by a public housing~~
18 ~~agency as part of a scattered site or mixed income~~
19 ~~development, or public park; or~~

20 (C) within 500 ~~1,000~~ feet of the real property
21 comprising any school and at the time of the violation:
22 (i) persons under the age of 18 are present, (ii) the
23 offense is committed during school hours, or (iii) the
24 offense is committed at a time when persons under the
25 age of 18 are reasonably expected to be present in the
26 school, in the conveyance, or on the real property,

1 such as when after school activities are occurring; or,
2 ~~residential property owned, operated or managed by a~~
3 ~~public housing agency or leased by a public housing~~
4 ~~agency as part of a scattered site or mixed income~~
5 ~~development, or~~

6 (D) within 500 feet of a public park, ~~on the real~~
7 ~~property comprising any church, synagogue, or other~~
8 ~~building, structure, or place used primarily for~~
9 ~~religious worship, or within 1,000 feet of the real~~
10 ~~property comprising any church, synagogue, or other~~
11 ~~building, structure, or place used primarily for~~
12 ~~religious worship, on the real property comprising any~~
13 ~~of the following places, buildings, or structures used~~
14 ~~primarily for housing or providing space for~~
15 ~~activities for senior citizens: nursing homes,~~
16 ~~assisted living centers, senior citizen housing~~
17 ~~complexes, or senior centers oriented toward daytime~~
18 ~~activities, or within 1,000 feet of the real property~~
19 ~~comprising any of the following places, buildings, or~~
20 ~~structures used primarily for housing or providing~~
21 ~~space for activities for senior citizens: nursing~~
22 ~~homes, assisted living centers, senior citizen housing~~
23 ~~complexes, or senior centers oriented toward daytime~~
24 ~~activities~~ is guilty of a Class 2 felony, the fine for
25 which shall not exceed \$125,000;

26 (6) subsection (h) of Section 401:

1 (A) in any school, or any conveyance owned, leased
2 or contracted by a school to transport students to or
3 from school or a school related activity, ~~or~~
4 ~~residential property owned, operated or managed by a~~
5 ~~public housing agency or leased by a public housing~~
6 ~~agency as part of a scattered site or mixed income~~
7 ~~development,~~ or public park; 7

8 (B) on the real property comprising any school ~~or~~
9 ~~residential property owned, operated or managed by a~~
10 ~~public housing agency or leased by a public housing~~
11 ~~agency as part of a scattered site or mixed income~~
12 ~~development,~~ or public park; ~~or~~

13 (C) within 500 ~~1,000~~ feet of the real property
14 comprising any school, and at the time of the
15 violation: (i) persons under the age of 18 are present,
16 (ii) the offense is committed during school hours, or
17 (iii) the offense is committed at a time when persons
18 under the age of 18 are reasonably expected to be
19 present in the school, in the conveyance, or on the
20 real property, such as when after school activities are
21 occurring; or ~~residential property owned, operated or~~
22 ~~managed by a public housing agency or leased by a~~
23 ~~public housing agency as part of a scattered site or~~
24 ~~mixed income development, or~~

25 (D) within 500 feet of a public park, ~~on the real~~
26 ~~property comprising any church, synagogue, or other~~

1 ~~building, structure, or place used primarily for~~
2 ~~religious worship, or within 1,000 feet of the real~~
3 ~~property comprising any church, synagogue, or other~~
4 ~~building, structure, or place used primarily for~~
5 ~~religious worship, on the real property comprising any~~
6 ~~of the following places, buildings, or structures used~~
7 ~~primarily for housing or providing space for~~
8 ~~activities for senior citizens: nursing homes,~~
9 ~~assisted living centers, senior citizen housing~~
10 ~~complexes, or senior centers oriented toward daytime~~
11 ~~activities, or within 1,000 feet of the real property~~
12 ~~comprising any of the following places, buildings, or~~
13 ~~structures used primarily for housing or providing~~
14 ~~space for activities for senior citizens: nursing~~
15 ~~homes, assisted living centers, senior citizen housing~~
16 ~~complexes, or senior centers oriented toward daytime~~
17 ~~activities~~ is guilty of a Class 2 felony, the fine for
18 which shall not exceed \$100,000.

19 (c) (Blank). ~~Regarding penalties prescribed in subsection~~
20 ~~(b) for violations committed in a school or on or within 1,000~~
21 ~~feet of school property, the time of day, time of year and~~
22 ~~whether classes were currently in session at the time of the~~
23 ~~offense is irrelevant.~~

24 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

25 Section 25. The Unified Code of Corrections is amended by

1 changing Sections 5-4.5-95 and 5-8-1.1 as follows:

2 (730 ILCS 5/5-4.5-95)

3 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

4 (a) HABITUAL CRIMINALS.

5 (1) Every person who has been twice convicted in any
6 state or federal court of an offense that contains the same
7 elements as an offense now (the date of the offense
8 committed after the 2 prior convictions) classified in
9 Illinois as a Class X felony, criminal sexual assault,
10 aggravated kidnapping, or first degree murder, and who is
11 thereafter convicted of a Class X felony, criminal sexual
12 assault, or first degree murder, committed after the 2
13 prior convictions, shall be adjudged an habitual criminal.

14 (2) The 2 prior convictions need not have been for the
15 same offense.

16 (3) Any convictions that result from or are connected
17 with the same transaction, or result from offenses
18 committed at the same time, shall be counted for the
19 purposes of this Section as one conviction.

20 (4) This Section does not apply unless each of the
21 following requirements are satisfied:

22 (A) The third offense was committed after July 3,
23 1980.

24 (B) The third offense was committed within 20 years
25 of the date that judgment was entered on the first

1 conviction; provided, however, that time spent in
2 custody shall not be counted.

3 (C) The third offense was committed after
4 conviction on the second offense.

5 (D) The second offense was committed after
6 conviction on the first offense.

7 (5) Anyone who, having attained the age of 18 at the
8 time of the third offense, is adjudged an habitual criminal
9 shall be sentenced to a term of natural life imprisonment.

10 (6) A prior conviction shall not be alleged in the
11 indictment, and no evidence or other disclosure of that
12 conviction shall be presented to the court or the jury
13 during the trial of an offense set forth in this Section
14 unless otherwise permitted by the issues properly raised in
15 that trial. After a plea or verdict or finding of guilty
16 and before sentence is imposed, the prosecutor may file
17 with the court a verified written statement signed by the
18 State's Attorney concerning any former conviction of an
19 offense set forth in this Section rendered against the
20 defendant. The court shall then cause the defendant to be
21 brought before it; shall inform the defendant of the
22 allegations of the statement so filed, and of his or her
23 right to a hearing before the court on the issue of that
24 former conviction and of his or her right to counsel at
25 that hearing; and unless the defendant admits such
26 conviction, shall hear and determine the issue, and shall

1 make a written finding thereon. If a sentence has
2 previously been imposed, the court may vacate that sentence
3 and impose a new sentence in accordance with this Section.

4 (7) A duly authenticated copy of the record of any
5 alleged former conviction of an offense set forth in this
6 Section shall be prima facie evidence of that former
7 conviction; and a duly authenticated copy of the record of
8 the defendant's final release or discharge from probation
9 granted, or from sentence and parole supervision (if any)
10 imposed pursuant to that former conviction, shall be prima
11 facie evidence of that release or discharge.

12 (8) Any claim that a previous conviction offered by the
13 prosecution is not a former conviction of an offense set
14 forth in this Section because of the existence of any
15 exceptions described in this Section, is waived unless duly
16 raised at the hearing on that conviction, or unless the
17 prosecution's proof shows the existence of the exceptions
18 described in this Section.

19 (9) If the person so convicted shows to the
20 satisfaction of the court before whom that conviction was
21 had that he or she was released from imprisonment, upon
22 either of the sentences upon a pardon granted for the
23 reason that he or she was innocent, that conviction and
24 sentence shall not be considered under this Section.

25 (b) When a defendant, over the age of 21 years, is
26 convicted of a Class 1 or Class 2 felony, except for an offense

1 listed in subsection (c) of this Section, after having twice
2 been convicted in any state or federal court of an offense that
3 contains the same elements as an offense now (the date the
4 Class 1 or Class 2 felony was committed) classified in Illinois
5 as a Class 2 or greater Class felony, except for an offense
6 listed in subsection (c) of this Section, and those charges are
7 separately brought and tried and arise out of different series
8 of acts, that defendant shall be sentenced as a Class X
9 offender. This subsection does not apply unless:

10 (1) the first felony was committed after February 1,
11 1978 (the effective date of Public Act 80-1099);

12 (2) the second felony was committed after conviction on
13 the first; and

14 (3) the third felony was committed after conviction on
15 the second.

16 (c) Subsection (b) of this Section does not apply to Class
17 1 or Class 2 felony convictions for a violation of:

18 (1) subsections (c) or (d) of Section 401, or
19 subsection (a) of Section 402 of the Illinois Controlled
20 Substances Act;

21 (2) Section 4 or Section 5 of the Cannabis Control Act;

22 (3) Section 16-1 of the Criminal Code of 2012.

23 A person sentenced as a Class X offender under this
24 subsection (b) is not eligible to apply for treatment as a
25 condition of probation as provided by Section 40-10 of the
26 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS

1 301/40-10).

2 (Source: P.A. 99-69, eff. 1-1-16.)

3 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

4 Sec. 5-8-1.1. Impact incarceration.

5 (a) The Department may establish and operate an impact
6 incarceration program for eligible offenders. If the court
7 finds under Section 5-4-1 that an offender sentenced to a term
8 of imprisonment for a felony may meet the eligibility
9 requirements of the Department, the court may in its sentencing
10 order approve the offender for placement in the impact
11 incarceration program conditioned upon his acceptance in the
12 program by the Department. Notwithstanding the sentencing
13 provisions of this Code, the sentencing order also shall
14 provide that if the Department accepts the offender in the
15 program and determines that the offender has successfully
16 completed the impact incarceration program, the sentence shall
17 be reduced to time considered served upon certification to the
18 court by the Department that the offender has successfully
19 completed the program. In the event the offender is not
20 accepted for placement in the impact incarceration program or
21 the offender does not successfully complete the program, his
22 term of imprisonment shall be as set forth by the court in its
23 sentencing order.

24 (b) In order to be eligible to participate in the impact
25 incarceration program, the committed person shall meet all of

1 the following requirements:

2 (1) The person must be not less than 17 years of age
3 nor more than 35 years of age.

4 (2) The person has not previously participated in the
5 impact incarceration program and has not previously served
6 more than one prior sentence of imprisonment for a felony
7 in an adult correctional facility.

8 (3) The person has not been convicted of a Class X
9 felony, first or second degree murder, armed violence,
10 aggravated kidnapping, criminal sexual assault, aggravated
11 criminal sexual abuse or a subsequent conviction for
12 criminal sexual abuse, forcible detention, residential
13 arson, place of worship arson, or arson and has not been
14 convicted previously of any of those offenses. This
15 paragraph (3) does not prohibit a person who is otherwise
16 eligible under this Section and who is convicted of a Class
17 X felony violation under the Illinois Controlled
18 Substances Act or Cannabis Control Act from receiving an
19 impact incarceration program recommendation.

20 (4) The person has been sentenced to a term of
21 imprisonment of 8 years or less.

22 (5) The person must be physically able to participate
23 in strenuous physical activities or labor.

24 (6) The person must not have any mental disorder or
25 disability that would prevent participation in the impact
26 incarceration program.

1 (7) The person has consented in writing to
2 participation in the impact incarceration program and to
3 the terms and conditions thereof.

4 (8) The person was recommended and approved for
5 placement in the impact incarceration program in the
6 court's sentencing order.

7 The Department may also consider, among other matters,
8 whether the committed person has any outstanding detainers or
9 warrants, whether the committed person has a history of
10 escaping or absconding, whether participation in the impact
11 incarceration program may pose a risk to the safety or security
12 of any person and whether space is available.

13 (c) The impact incarceration program shall include, among
14 other matters, mandatory physical training and labor, military
15 formation and drills, regimented activities, uniformity of
16 dress and appearance, education and counseling, including drug
17 counseling where appropriate.

18 (d) Privileges including visitation, commissary, receipt
19 and retention of property and publications and access to
20 television, radio and a library may be suspended or restricted,
21 notwithstanding provisions to the contrary in this Code.

22 (e) Committed persons participating in the impact
23 incarceration program shall adhere to all Department rules and
24 all requirements of the program. Committed persons shall be
25 informed of rules of behavior and conduct. Disciplinary
26 procedures required by this Code or by Department rule are not

1 applicable except in those instances in which the Department
2 seeks to revoke good time.

3 (f) Participation in the impact incarceration program
4 shall be for a period of 120 to 180 days. The period of time a
5 committed person shall serve in the impact incarceration
6 program shall not be reduced by the accumulation of good time.

7 (g) The committed person shall serve a term of mandatory
8 supervised release as set forth in subsection (d) of Section
9 5-8-1.

10 (h) A committed person may be removed from the program for
11 a violation of the terms or conditions of the program or in the
12 event he is for any reason unable to participate. The
13 Department shall promulgate rules and regulations governing
14 conduct which could result in removal from the program or in a
15 determination that the committed person has not successfully
16 completed the program. Committed persons shall have access to
17 such rules, which shall provide that a committed person shall
18 receive notice and have the opportunity to appear before and
19 address one or more hearing officers. A committed person may be
20 transferred to any of the Department's facilities prior to the
21 hearing.

22 (i) The Department may terminate the impact incarceration
23 program at any time.

24 (j) The Department shall report to the Governor and the
25 General Assembly on or before September 30th of each year on
26 the impact incarceration program, including the composition of

1 the program by the offenders, by county of commitment,
2 sentence, age, offense and race.

3 (k) The Department of Corrections shall consider the
4 affirmative action plan approved by the Department of Human
5 Rights in hiring staff at the impact incarceration facilities.

6 (Source: P.A. 97-800, eff. 7-13-12.)

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/4-103 from Ch. 95 1/2, par. 4-103

4 720 ILCS 5/19-1 from Ch. 38, par. 19-1

5 720 ILCS 550/5.2 from Ch. 56 1/2, par. 705.2

6 720 ILCS 570/401 from Ch. 56 1/2, par. 1401

7 720 ILCS 570/402 from Ch. 56 1/2, par. 1402

8 720 ILCS 570/407 from Ch. 56 1/2, par. 1407

9 730 ILCS 5/5-4.5-95

10 730 ILCS 5/5-8-1.1 from Ch. 38, par. 1005-8-1.1